

MESSAGE NO: 9062201 MESSAGE DATE: 03/03/2009

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-917

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/03/2007 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION ORDER ON LAMINATED WOVEN SACKS FROM CHINA (C-570-917);
ARCHER DANIELS MIDLAND NON-LAMIN/LAMINAT BAGS, PRINTED FEWER THAN THREE
COLORS, NOT IN SCOPE

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PERIOD COVERED: 12 03 2007 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION ORDER ON LAMINATED WOVEN SACKS FROM CHINA
(C-570-917); ARCHER DANIELS MIDLAND NON-LAMIN/LAMINAT
BAGS, PRINTED FEWER THAN THREE COLORS, NOT IN SCOPE

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM ARCHER DANIELS
MIDLAND COMPANY (ADM). COMMERCE ISSUED A FINAL SCOPE RULING ON
02/17/2009, THAT CERTAIN OF ADMS PRODUCTS, DESCRIBED AS
NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS
PRINTED IN REGISTER WITH FEWER THAN THREE COLORS, ARE NOT
WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER COVERING
LAMINATED WOVEN SACKS FROM THE PRC (C-570-917).

2. COMMERCE DETERMINED THAT ADMS PRODUCTS, DESCRIBED AS NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS PRINTED IN REGISTER WITH FEWER THAN THREE COLORS, DO NOT MATCH THE PHYSICAL CRITERIA OF THE SCOPE WHICH STATES THAT MERCHANDISE MUST BE LAMINATED WITH BIAXIALLY-ORIENTED POLYPROPYLENE AND PRINTED IN REGISTER WITH THREE OR MORE COLORS. THEREFORE, ADMS NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS PRINTED IN REGISTER WITH FEWER THAN THREE COLORS ARE NOT WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER COVERING LAMINATED WOVEN SACKS FROM THE PRC.

3. EFFECTIVE 12/03/2007, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/03/2007, OF NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS PRINTED IN REGISTER WITH FEWER THAN THREE COLORS LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS PRINTED IN REGISTER WITH FEWER THAN THREE COLORS LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS PRINTED IN REGISTER WITH FEWER THAN THREE COLORS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/3/2007.

6. THE ASSESSMENT OF COUNTERVAILING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING DUTIES IS REQUIRED THROUGH THE DATE

OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF LAMINATED WOVEN SACKS FROM THE PRC, INCLUDING ADMS NON-LAMINATED WOVEN RICE BAGS AND LAMINATED WOVEN RICE BAGS PRINTED IN REGISTER WITH FEWER THAN THREE COLORS LISTED ABOVE, SUBJECT TO THE COUNTERVAILING DUTY ORDER COVERING LAMINATED WOVEN SACKS FROM THE PRC.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:BHW).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party